S.B. Criminal Misc. Bail Application No.3438/2006
Date : 22.08.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. R.K. Bishnoi for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel for the applicant is that in the instant case the contraband material alleged to have been recovered from a truck which was found standing on the road side. He submits that the petitioner is not a registered owner of the truck and the truck is alleged to have been of one Mohabat Ram and infact he sold the truck to one Anoopchand and when Anoopchand interrogated, he stated that he sold the truck to the petitioner.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration overall facts and circumstances of the case and the fact that the applicant has been arrested and no recovery is to be made from him, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Bhiyaram alias Bhalaram son of Govardhan Ram shall be released on bail in FIR No.255/2003 P.S. Pratapnagar, District Bhilwara, provided he executes a personal bond in the sum of Rs.30,000../- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant